

original 90-day request by an additional 46 days, despite the Trustee not requesting an extension. This error effectively granted an extension the Trustee never sought, causing unnecessary delay and burdening Movant.

This extended discovery period is prejudicial to Movant, causing unnecessary delay and harm.

II. Discovery Conducted by Movant

Movant has diligently pursued discovery efforts and has gathered substantial evidence supporting his claims. The discovery conducted includes:

Subpoenas Issued on December 2, 2024:

- Equity Trust/TMF Group
- Sherin and Lodgen LLP
- David J. F. Lombe, Joseph Scarcella, and Edward S. Englander
- Peter Blaustein
- Regal Entertainment Group
- California State Controller's Office (Harpreet K. Nakhwal)
- Paul D. Horvath, CPA

Additional Subpoena Issued on December 18, 2024:

- Dyann Blaine

Responses Received:

- Walter A. Horst (CFO of Babcock & Brown) responded on December 11, 2024, providing sufficient documents to satisfy the request.
- The California State Controller's Office and Peter Blaustein responded, leading to further supplementation of Movant's Summary Judgment Motion.

Interrogatories and Requests for Production of Documents:

- Served on the Trustee on December 15, 2024.
- Trustee responded on January 15, 2025.
- Trustee served Interrogatories and Requests for Production on Movant on January 17, 2025.
- Movant responded to Interrogatories on January 19, 2025, and to Production of Documents on February 4, 2025.

Summary Judgment Motion Filed:

- Expedited Motion for Summary Judgment filed on January 6, 2025 (Dkt. #496).
- Supplemental filings on January 16, 2025 (Dkt. #504) and January 21, 2025 (Dkt. #509).
- Second Supplement filed January 19, 2025, incorporating discovery responses.

III. Burden of Proof

A properly executed and filed proof of claim constitutes prima facie evidence of the validity of the claim. See Fed. R. Bankr. P. 3001(f).

To overcome this prima facie evidence, the objecting party must provide evidence that, if believed, would refute at least one essential allegation in the claim. See *In re Allegheny Int'l, Inc.*, 954 F.2d 167 (3d Cir. 1992); *In re Giordano*, 234 B.R. 645, 650 (Bankr. E.D. Pa. 1999).

However, the ultimate burden of proof always rests upon the claimant. See *In re Williams*, 1994 WL 329328, *2 (Bankr. S.D.Ga. 1994) ("The objecting party must produce evidence equal to the probative value of the proof of claim itself. (citation omitted). Although the burden of persuasion shifts, the burden of proof always rests upon the claimant.").

The Trustee should not be delaying the resolution of Movant's claim while searching for ways to invalidate it. Instead, the case should proceed based on the evidence already submitted by the claimant.

IV. Prejudice and Financial Harm to Movant

Severe Financial Hardship: Movant has stated multiple times before the Court that he is facing severe financial constraints, which prevent him from meaningfully participating in the case and even hinder his ability to effectuate proper service of subpoenas.

Family Health Emergency: Movant's stepmother has been diagnosed with ovarian cancer, requiring immediate financial resources for her care. The delay in resolving Movant's claims further exacerbates his ability to provide necessary assistance.

Acknowledgment of Hardship by the Court: At the November 20, 2024 hearing, the Court acknowledged Movant's financial difficulties and stated sympathy for his situation but nonetheless granted the Trustee's discovery request. Extending discovery even further without cause worsens this hardship.

V. Relief Requested

For the foregoing reasons, Movant respectfully requests that this Honorable Court:

1. Revert the discovery deadline to the originally requested 90-day period, ending February 20, 2025; or
2. Require the Trustee to file a motion justifying any need for an extension beyond 90 days and allow Movant to respond accordingly.
3. Expedite the determination of this motion to prevent undue hardship and delay.

Movant further requests any other relief the Court deems just and proper.

DATED: February 16, 2025, Respectfully submitted:

By creditor,



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CERTIFICATE OF SERVICE

I, Lolonyon Akouete, hereby certify that the above document is served by email and mailing a copy of the same, first-class mail, to the following:

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